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16 Attorneys for Plaintiff,
17 Steven Koghan

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20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA

22
23 Steven Koghan, Case No.:
24 Plaintiff, **FIRST AMENDED COMPLAINT FOR**
25 vs. **DAMAGES**
26
27 ULRs, Inc. dba Credit Collection Bureau JURY TRIAL DEMANDED
28 & United Legal Group,
29
30 Defendant.

1 Plaintiff, Steven Koghan (hereafter “Plaintiff”), by undersigned counsel, brings
2 the following first amended complaint against ULRS, Inc. dba Credit Collection
3 Bureau & United Legal Group (hereafter “Defendant”) and alleges as follows:
4

5 **JURISDICTION**

6 1. This action arises out of Defendant’s violations of the Fair Debt
7 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”), and violations of the
8 Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788, *et seq.*
9 (“Rosenthal Act”).
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11 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), Cal. Civ.
12 Code 1788.30(f), 28 U.S.C. § 1331 and 28 U.S.C. § 1367.
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14 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where
15 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or
16 where Defendant transacts business in this district.
17

18 **PARTIES**

19 4. Plaintiff is an adult individual residing in Santa Cruz, California, and is a
20 “person” as defined by 47 U.S.C. § 153(39) and Cal Civ. Code § 1788.2(g).
21

22 5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3), and is a
23 “debtor” as defined by Cal. Civ. Code § 1788.2(h).
24

25 6. Defendant is a business entity located in Riverside, California, and is a
26 “person” as the term is defined by 47 U.S.C. § 153(39) and Cal Civ. Code §
27 1788.2(g).
28

1 7. Defendant uses instrumentalities of interstate commerce or the mails in a
2 business the principle purpose of which is the collection of debts and/or regularly
3 collects or attempts to collect debts owed or asserted to be owed to another, and is a
4 “debt collector” as defined by 15 U.S.C. § 1692a(6).
5

6 8. Defendant, in the ordinary course of business, regularly, on behalf of
7 itself or others, engages in the collection of consumer debts, and is a “debt collector”
8 as defined by Cal. Civ. Code § 1788.2(c).
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ALLEGATIONS APPLICABLE TO ALL COUNTS

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9. Plaintiff is a natural person allegedly obligated to pay a debt asserted to
be owed to a creditor other than Defendant.

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10. Plaintiff’s alleged obligation arises from a transaction in which property,
services or money was acquired on credit primarily for personal, family or household
purposes, is a “debt” as defined by 15 U.S.C. § 1692a(5), and is a “consumer debt” as
defined by Cal. Civ. Code § 1788.2(f).

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11. At all times mentioned herein where Defendant communicated with any
person via telephone, such communication was done via Defendant’s agent,
representative or employee.

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1 13. On August 25, 2016, Plaintiff mailed Defendant a response letter,
2 disputing that Plaintiff owed the alleged debt and instructing Defendant to
3 communicate with Plaintiff via U.S. mail only.
4

5 14. Despite receiving Plaintiff's letter, Defendant continued to call Plaintiff
6
7 in a harassing manner.

8 15. During a live conversation that occurred on or about September 22, 2016,
9
10 Defendant threatened to place a lien of Plaintiff's property, threatened to personally
11 visit Plaintiff at her place of employment and threatened to garnish Plaintiff's wages.

12 16. Defendant's actions caused Plaintiff to suffer a significant amount of
13 stress, anxiety and frustration.

COUNT I

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT, 15
U.S.C. § 1692, et seq.**

19 17. Plaintiff incorporates by reference all of the above paragraphs of this
20 complaint as though fully stated herein.

18. The FDCPA was passed in order to protect consumers from the use of
abusive, deceptive and unfair debt collection practices and in order to eliminate such
practices.

25 19. Defendant attempted to collect a debt from Plaintiff and engaged in
26 “communications” as defined by 15 U.S.C. § 1692a(2).
27

1 20. Defendant communicated with Plaintiff after receiving a written notice
2 that Plaintiff refuses to pay the debt and/or that Plaintiff asked Defendant to cease and
3 desist in further communication, in violation of 15 U.S.C. § 1692c(c).

5 21. Defendant engaged in conduct, the natural consequence of which was to
6 harass, oppress, or abuse Plaintiff, in connection with the collection of a debt, in
7 violation of 15 U.S.C. § 1692d.

9 22. Defendant caused Plaintiff's phone to ring or engaged Plaintiff in
10 telephone conversations repeatedly or continuously, with the intent to annoy, abuse
11 and harass Plaintiff, in violation of 15 U.S.C. § 1692d(5).

13 23. Defendant used false, deceptive, or misleading representations or means
14 in connection with the collection of a debt, in violation of 15 U.S.C. § 1692e.

16 24. Defendant, without intending to take such action, represented and/or
17 implied that nonpayment of the alleged debt would result in garnishment of Plaintiff's
18 wages or attachment of Plaintiff's property, in violation of 15 U.S.C. § 1692e(4).

20 25. Defendant threatened to take action that could not be legally taken or that
21 Defendant did not intend to take, in violation of 15 U.S.C. § 1692e(5).

23 26. Defendant used false representations or deceptive means to collect or
24 attempt to collect a debt or obtain information concerning the Plaintiff, in violation of
25 15 U.S.C. § 1692e(10).

27 27. Defendant used unfair and unconscionable means to collect a debt, in
28 violation of 15 U.S.C. § 1692f.

1 28. The foregoing acts and/or omissions of Defendant constitute numerous
2 and multiple violations of the FDCPA, including every one of the above-cited
3 provisions.
4

5 29. Plaintiff was harmed and is entitled to damages as a result of Defendant's
6 violations.
7

COUNT II

**VIOLATIONS OF THE ROSENTHAL FAIR DEBT COLLECTION
PRACTICES ACT, Cal. Civ. Code § 1788, et seq.**

12 30. Plaintiff incorporates by reference all of the above paragraphs of this
13 complaint as though fully stated herein.

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15 31. The Rosenthal Act was passed to prohibit debt collectors from engaging
16 in unfair and deceptive acts and practices in the collection of consumer debts.

17 32. Defendant threatened to garnish Plaintiff's wages if the alleged consumer
18 debt was not paid, when it had no intent or lawful means to do so, in violation of Cal.
19
20 Civ. Code § 1788.10(e).

21 33. Defendant threatened to seize or attach Plaintiff's property if the alleged
22 consumer debt was not paid, when it had no intent or lawful means to do so, in
23 violation of Cal. Civ. Code § 1788.10(e).
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25 34. Defendant communicated with Plaintiff with such frequency as to be
26 unreasonable, constituting harassment in violation of Cal. Civ. Code § 1788.11(e)
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35. Defendant did not comply with the provisions of 15 U.S.C. § 1692, *et seq.*, in violation of Cal. Civ. Code § 1788.17.

36. Plaintiff was harmed and is entitled to damages as a result of Defendant's violations.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant for:

- A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A);
- C. Actual damages pursuant to Cal. Civ. Code § 1788.30(a);
- D. Statutory damages of \$1,000.00 for knowingly and willfully committing violations pursuant to Cal. Civ. Code § 1788.30(b);
- E. Costs of litigation and reasonable attorneys' fees pursuant to 15 U.S.C. § 1692k(a)(3) and Cal. Civ. Code § 1788.30(c);
- F. Punitive damages; and
- G. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

1
2 DATED: January 23, 2017
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TRINETTE G. KENT

4 By: /s/ Trinette G. Kent
5 Trinette G. Kent, Esq.
6 Lemberg Law, LLC
7 Attorney for Plaintiff, Steven Koghan
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